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## BOOK REVIEWS

A SURVEY OF THE INTERNATIONAL RELATIONS BETWEEN THE UNITED STATES AND GERMANY, 1914-1917, by James Brown Scott. (New York; Oxford University Press, 1918, pp. cxvi, 390.)

This is one of the most important books that the war has produced and it would be a notable book if it did not leave the reader with an unsatisfied feeling. The author brings to his task an extraordinary equipment; he is an international law expert of great repute; the technical delegate of the United States to the Second Hague Conference; the author of the project for a Court of Arbitral Justice submitted by the United States to that Conference and of the best work on the Hague Conferences; the director of Division of International Law of the Carnegie Endowment for International Peace and the editor of a shelf of books published by the Endowment in an effort to create a well-informed public opinion on international affairs. And from the beginning of the war, Dr. Scott was on the Joint State and Navy Neutrality Board which advised the Government as to the principles of international law when the nations at war protested against violations of American neutrality. Holding this office Dr. Scott had opportunities to watch from the inside the development of our controversy with Germany; and he several times refers to the MSS. opinions of the Neutrality Board which, when published, will be of great value to students of international law.

Dr. Scott's elaborate volume opens with President Wilson's address to Congress on April 2nd last, asking for a declaration of war and a copy of the congressional resolution. There follow one hundred pages of quotations from Frederick the Great, Hegel, Clausewitz, Bismarck, Treitschke, the War Book of the German General Staff, and similar sources, to show the German conceptions of the state, international policy, and international law. All of the sentiments—and most of the exact quotations—are already familiar to those who have followed the literature of the war, but their republication here puts them in a very convenient and compact form.

All this is a somewhat lengthy but an appropriate introduction to a brief discussion of the genesis of the war, and then Dr. Scott begins his account of the neutrality of the United States. He first describes in general terms the neutrality laws of the United States and next takes up specific problems, basing his account upon the letter written by Senator Stone to the Secretary of State on January 8, 1915. This letter, it will be remembered, called the attention of the Secretary to the frequent complaints that the United States had shown partiality to the Entente Allies, and mentioned twenty specific grievances on which, Senator Stone suggested, the Secretary of State might furnish information to show that the United States had really maintained its neutrality. Mr. Bryan replied in a lengthy letter—written it is said, by Mr. Lansing, then Counselor of the State Department—and Dr. Scott bases elaborate

comments of his own on quotations from this letter. It is a very effective method of showing that the United States maintained a proper neutrality.

Dr. Scott then takes up the submarine controversy and quotes from the diplomatic exchanges between the United States and Germany. He has chapters on "Reprisals, Retaliation, Necessity," "Belligerent Use of Neutral Flag," "Mines, War Zones, and Blockade," "The Status of Merchant Vessels," "The Accepted Rules of Maritime Warfare," the renewal of the use of submarines after the *Sussex* pledges, the severance of diplomatic relations, armed neutrality, and the declaration of war. The discussion shows wide learning on the part of the author and the arguments on points of international law, while not of the simple character necessary to convince the sceptical layman, will be valued by those who are already versed in international law.

In addition to unpublished opinions of the Neutrality Board, several other interesting documents are mentioned for the first time. In discussing retaliation, Dr. Scott quotes the following pledge from the Imperial German Government (dated February 16, 1916):

"Germany has limited her submarine warfare because of her long-standing friendship with the United States, and because by the sinking of *The Lusitania*, which caused the death of citizens of the United States, the German retaliation affected neutrals, which was not the intention, as retaliation should be confined to enemy subjects."

This bare quotation, which appears without comment in a narrative and not critical discussion of retaliation, must certainly receive further explanation when the complete history of the international relations between the United States and Germany comes to be written; for the settlement, if any, in the *Lusitania* case still remains a mystery\* in spite of the fact that President Wilson has spoken frequently of "open diplomacy," proceeding "always frankly and in the public view."

Again, one feels justified in thinking that such an eminent authority as Dr. Scott might discuss a little more fully Secretary Lansing's memorandum of January 18, 1916, suggesting a change in international law governing armed merchantmen. This memorandum concluded:

"I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly."

Dr. Scott quotes freely from this memorandum and from the replies of the Allies which, naturally, refused to agree that "human life may be surrendered defenseless to the mercy of an enemy who, in circumstances of this kind as in many others, has shown himself to be both faithless and lawless." Mr. Lansing's suggestion, Dr. Scott says, is an evidence of "the earnest and persistent desire of the United States, *even at the sacrifice of consistency*,† to reach an agreement with the Powers by

\*See Rogers, *America's Case against Germany*, p. 149.

†Italics the reviewer's.

virtue of which the loss of human life might be avoided in submarine warfare, and in order that warfare should be made to comply with the requirement of visit and search in the matter of armed merchantmen as well as in the matter of unarmed merchant ships."

Whether this is Dr. Scott's own opinion of the justification of Mr. Lansing's proposal to change the rules of international law so that the submarine could be used against merchantmen without embroiling the United States, or a semi-official interpretation of Mr. Lansing's purpose, the conclusion must be, it is submitted, that the memorandum ought not to have been issued by the United States. This is realized, the reviewer thinks, by everyone familiar with the issues and events of the war while we maintained neutrality. The Government speedily realized its mistake and reversed itself in a comprehensive memorandum issued on March 25th (not made public until April 26th) and not quoted by Dr. Scott. It was this incident, it will be remembered, which in large part gave rise to the controversy in Congress over the arming of merchantmen (the McLemore Resolution, etc.) and called forth the intervention of President Wilson, and it is hardly too much to ask that such an eminent authority as Dr. Scott, with access to unpublished materials, should illumine rather than obscure, with regard to other subjects. Also, there are more or less important omissions. No reference is made, for example, to Secretary Lansing's note of August 12, 1915. To be sure, this was in reply to a protest from Austria-Hungary, but it was addressed in effect to Germany as well and should be included in any account of the munitions controversy that aims at completeness.

Dr. Scott takes the narrative up to America's entrance into the war and then concludes with two chapters on arbitration and the freedom of the seas. Although perhaps the leading American authority on and advocate of arbitration, Dr. Scott does not make it clear why arbitration could not be applied between Germany and the United States on the submarine issue; his discussion is learned, but it does not convince. So with regard to the freedom of the seas. We are told a great deal about the opinions of Grotius, but what is the American conception of the freedom of the seas? What measures shall be taken to prevent violations of this freedom in the future by submarines? How about the existing rules concerning private property? What about the international use of sea power under the direction of a League of Nations? It may be answered, of course, that the author's purpose was simply to write a survey of the international relations between the United States and Germany; but these chapters are really not essential to the completeness of that survey, and it is not unreasonable to expect that the discussion should get somewhere.

It is hardly necessary to add that publicists and international lawyers will for years debate the wisdom of President Wilson's policy in temporizing with Germany so long. Without avowing his intention Dr. Scott has neither criticised nor defended, and it is because he has not that his book will leave the reader unsatisfied. A polemic written to justify the entrance of the United States can review the submarine controversy and not consider Mr. Wilson's policy. But Dr. Scott's book is not pri-

marily a polemic. It shows very effectively, by presenting facts rather than by framing an indictment, the dishonesty, callousness, and weakness of the German contentions; but as a *survey* of the differences between the United States and Germany that culminated in war, it will, in several cases at least, leave the reader unsatisfied.

L. R.